

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

**INSTRUCTIONS AND FORMS FOR REQUESTING AN ORDER TO PAY
BANKRUPTCY CASE FILING FEE IN INSTALLMENTS OR FOR FEE WAIVER:**

- (1) Application for Individuals to Pay the Filing Fee in Installments (form B 3A); or
- (2) Application to Have the Chapter 7 Filing Fee Waived (form B 3B)

If you cannot afford to pay the full fee at the time of filing your bankruptcy case, you may apply to pay the fee in installments. An "Application for Individuals to Pay the Filing Fee in Installments" (form B 3A), which is included in this package, must be completed to make that application. If your application to pay in installments is approved, you will be permitted to file your bankruptcy case, completing payment of the fee within six months.

Permission to do so is only given when the judge is persuaded by testimony given under oath that usually you cannot afford to pay the entire filing fee, and are not filing bankruptcy to forestall eviction from residential premises occupied on a month-to-month tenancy or on a tenancy at will, or for any improper purpose.

The procedure for requesting permission to pay the fee for filing a bankruptcy case in installments is as follows:

1. Tell the Intake clerk that you wish to request permission from the Court to pay the filing fee in installments.
2. Complete the "Application for Individuals to Pay the Filing Fee in Installments (form B 3A)."
3. Return the completed application form and your filing papers, i.e., petition, to the Intake filing window.
4. Be prepared to show the clerk a California driver's license, California identification card, or other similar form of identification.
5. Ask the clerk for the name of the judge who will rule on your motion, the time and location of a hearing, if a hearing is required.

IF YOU ARE REQUIRED TO APPEAR AT A HEARING AND FAIL TO APPEAR, THE MOTION WILL BE DENIED. YOU MAY NOT BE PERMITTED TO FILE ANY BANKRUPTCY CASE FOR 180 DAYS FROM THE DATE OF THE HEARING, AND YOU AND YOUR PROPERTY MAY NOT BE PROTECTED FROM THE ACTIONS OF YOUR CREDITORS IF YOU DO FILE A BANKRUPTCY CASE DURING THOSE 180 DAYS OR LATER.

The hearing on your application will take place in a courtroom and will be conducted by a United States Bankruptcy Judge.

If your application is denied, you must pay the fees in full within the time ordered by the judge or your bankruptcy case will be dismissed; and if the judge orders, you may not file another bankruptcy case for 180 days from the date of the hearing. **IF (1) YOUR CASE IS DISMISSED AND (2) YOU FILE BANKRUPTCY AGAIN WITHIN THE NEXT YEAR, IT IS LIKELY THAT YOU WILL BE TREATED AS HAVING FILED MORE THAN ONE BANKRUPTCY CASE WITHIN A 12-MONTH PERIOD. IF THIS OCCURS, IT MAY SIGNIFICANTLY REDUCE THE PROTECTION YOU WILL RECEIVE FROM THE AUTOMATIC STAY IN THE LATER BANKRUPTCY CASE.**

If your application is granted, it will almost always be necessary for you to make a first installment payment immediately after the hearing. The number of installments permitted cannot exceed four, and the final installment shall be payable not later than 120 days after the filing of the petition, unless extended by the Court for cause shown to a date not later than 180 days after the date of the filing of the petition. Failure to pay any installment when due may be grounds for dismissal of the case upon notice and hearing.

In a chapter 7 case, if you cannot afford to pay the fee to file your bankruptcy case either in full at the time of filing, or in installments, then you may request an order excusing you from paying the filing fee by completing an “Application to Have the Chapter 7 Filing Fee Waived” (form B 3B) and filing it with the Clerk of the Court along with your petition. The form is included in this package. Permission to do so is only given when the judge is persuaded by testimony given under oath that usually you cannot afford to pay the entire filing fee, and are not filing bankruptcy to forestall eviction from residential premises occupied on a month-to-month tenancy or on a tenancy at will, or for any improper purpose. A judge will decide whether you have to pay the fee.

By law, you may be excused from paying the fee only if your income is less than 150 percent of the official poverty line applicable to your family size and you are unable to pay the fee in installments. See the attached U.S. Department of Health and Human Services (DHHS) table to determine if you are eligible.

Required information. Complete all items in the application, and attach requested schedules. Then sign the application on the last page. If you and your spouse are filing a joint bankruptcy petition, you both must provide information as requested and sign the application.

The procedure for requesting an order for excusing you from paying the filing fee in a chapter 7 case is as follow:

1. Tell the clerk that you wish to request permission from the Court to be excused from paying the filing fee installments.
2. Complete an “Application to Have the Chapter 7 Filing Fee Waived (form B 3B).”
3. Return the application form and your filing papers, i.e., petition, to the Intake filing window where you obtained the installment payment information.
4. Be prepared to show the clerk a California driver’s license, California identification card, or other similar form of identification.
5. Ask the clerk for the name of the judge who will rule on your motion, the time and location of a hearing, if a hearing is required.

You may submit both applications only if you believe you are eligible for both: (1) being excused from paying the filing fee in full, and (2) if the judge disagrees, paying the filing fee in installments.

If your income is greater than the amount set forth in the attached U.S. Department of Health and Human Services (DHSS) table and you can swear truthfully under oath that you cannot pay the full filing fee today, then only submit the Application to Pay Filing Fee in Installments.

150% of the HHS Poverty Guidelines for 2014* Monthly Basis			
Persons in family unit	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$1,458.75	\$1,822.50	\$1,677.50
2	\$1,966.25	\$2,457.50	\$2,261.25
3	\$2,473.75	\$3,092.50	\$2,845.00
4	\$2,981.25	\$3,727.50	\$3,428.75
5	\$3,488.75	\$4,362.50	\$4,012.50
6	\$3,996.25	\$4,997.50	\$4,596.25
7	\$4,503.75	\$5,632.50	\$5,180.00
8	\$5,011.25	\$6,267.50	\$5,763.75
For each additional person add	\$507.50	\$635.00	\$583.75
* As required by section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35 - reauthorized by Pub. L. 105-285, Section 201 (1988)).			

150% of the HHS Poverty Guidelines for 2014*
Annual Basis

Persons in family unit	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$17,505	\$21,870	\$20,130
2	\$23,595	\$29,490	\$27,135
3	\$29,685	\$37,110	\$34,140
4	\$35,775	\$44,730	\$41,145
5	\$41,865	\$52,350	\$48,150
6	\$47,955	\$59,970	\$55,155
7	\$54,045	\$67,590	\$62,160
8	\$60,135	\$75,210	\$69,165
For each additional person add	\$6,090	\$7,620	\$7,005

* As required by section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35 - reauthorized by Pub. L. 105-285, Section 201 (1988)).

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(If known)

☐ Check if this is an amended filing

Official Form B 3A**Application for Individuals to Pay the Filing Fee in Installments****06/14**

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

Part 1: Specify Your Proposed Payment Timetable**1. Which chapter of the Bankruptcy Code are you choosing to file under?**

- ☐ Chapter 7..... Fee: **\$335**
- ☐ Chapter 11..... Fee: **\$1,717**
- ☐ Chapter 12..... Fee: **\$275**
- ☐ Chapter 13..... Fee: **\$310**

2. You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to pay them. Be sure all dates are business days. Then add the payments you propose to pay.

You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If the court approves your application, the court will set your final payment timetable.

You propose to pay...

\$ _____	<input type="checkbox"/> With the filing of the petition
	<input type="checkbox"/> On or before this date..... MM / DD / YYYY
\$ _____	On or before this date..... MM / DD / YYYY
\$ _____	On or before this date..... MM / DD / YYYY
+ \$ _____	On or before this date..... MM / DD / YYYY

Total

\$ _____

◀ Your total must equal the entire fee for the chapter you checked in line 1.

Part 2: Sign Below

By signing here, you state that you are unable to pay the full filing fee at once, that you want to pay the fee in installments, and that you understand that:

- You must pay your entire filing fee before you make any more payments or transfer any more property to an attorney, bankruptcy petition preparer, or anyone else for services in connection with your bankruptcy case.
- You must pay the entire fee no later than 120 days after you first file for bankruptcy, unless the court later extends your deadline. Your debts will not be discharged until your entire fee is paid.
- If you do not make any payment when it is due, your bankruptcy case may be dismissed, and your rights in other bankruptcy proceedings may be affected.

x _____
Signature of Debtor 1

x _____
Signature of Debtor 2

x _____
Your attorney's name and signature, if you used one

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

Fill in this information to identify the case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(If known)

Chapter filing under:

- ☐ Chapter 7
☐ Chapter 11
☐ Chapter 12
☐ Chapter 13

Order Approving Payment of Filing Fee in Installments

After considering the *Application for Individuals to Pay the Filing Fee in Installments* (Official Form B 3A), the court orders that:

☐ The debtor(s) may pay the filing fee in installments on the terms proposed in the application.

☐ The debtor(s) must pay the filing fee according to the following terms:

You must pay...

On or before this date...

\$ _____
Month / day / year

\$ _____
Month / day / year

\$ _____
Month / day / year

+ \$ _____
Month / day / year

Total

\$ _____

Until the filing fee is paid in full, the debtor(s) must not make any additional payment or transfer any additional property to an attorney or to anyone else for services in connection with this case.

Month / day / year

By the court:

United States Bankruptcy Judge

Official Form 3B

Instructions for the Application to Have the Chapter 7 Filing Fee Waived

United States Bankruptcy Court

6/01/2014

How to Fill Out the Application

The fee for filing a bankruptcy case under Chapter 7 is \$335. If you cannot afford to pay the entire fee now in full or in installments within 120 days, use this form. If you can afford to pay your filing fee in installments, see *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 3A).

If you file this form, you are asking the court to waive your fee. After reviewing your application, the court may waive your fee, set a hearing for further investigation, or require you to pay the fee in installments or in full.

For your fee to be waived, all of these statements must be true:

- You are filing for bankruptcy under Chapter 7.
- You are an individual.
- The total combined monthly income for your family is less than 150% of the official poverty guideline last published by the U.S. Department of Health and Human Services (DHHS). (For more information about the guidelines, go to <http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/PovertyGuidelines.aspx>.)
- You cannot afford to pay the fee in installments.

Your family includes you, your spouse, and any dependents listed on *Schedule J*. Your family may be different from your *household*, referenced on *Schedules I* and *J*. Your household may include your unmarried partner and others who live with you and with whom you share income and expenses.

If a bankruptcy petition preparer helped you complete this form, make sure that person fills out *Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer* (Official Form 19); include a copy of it in this package.

Do not file these instructions with your bankruptcy filing package. Keep them for your records.

If you have already completed the following forms, the information on them may help you when you fill out this application:

- *Schedule A: Real Property* (Official Form 6A)
- *Schedule I: Your Income* (Official Form 6I)
- *Schedule J: Your Expenses* (Official Form J)

Understand the terms used in this form

The *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 3B) uses *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, this form uses *you* to ask for information from both debtors. For example, if the form asks, “Do you own a car?” the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Things to remember when filling out this form

- Be as complete and accurate as possible.
- If you have some additional circumstances that cause you to not be able to pay your filing fee in installments, explain them on line 5 of the form.
- If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).
- If two married people are filing together, both are equally responsible for supplying correct information.

Fill in this information to identify your case:

Debtor 1
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: District of (State)

Case number
(If known)

☐ Check if this is an amended filing

Official Form B 3B

Application to Have the Chapter 7 Filing Fee Waived

06/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).

Part 1: Tell the Court About Your Family and Your Family's Income

1. What is the size of your family?

Your family includes you, your spouse, and any dependents listed on *Schedule J: Current Expenditures of Individual Debtor(s)* (Official Form 6J).

Check all that apply:

- ☐ You
☐ Your spouse
☐ Your dependents

How many dependents?

Total number of people

2. Fill in your family's average monthly income.

Include your spouse's income if your spouse is living with you, even if your spouse is not filing.

Do not include your spouse's income if you are separated and your spouse is not filing with you.

Add your income and your spouse's income. Include the value (if known) of any non-cash governmental assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.

If you have already filled out *Schedule I: Your Income*, see line 10 of that schedule.

That person's average monthly net income (take-home pay)

You \$

Your spouse ... + \$

Subtotal..... \$

Subtract any non-cash governmental assistance that you included above.

— \$

Your family's average monthly net income

Total..... \$

3. Do you receive non-cash governmental assistance?

- ☐ No
☐ Yes. Describe.....

Type of assistance

4. Do you expect your family's average monthly net income to increase or decrease by more than 10% during the next 6 months?

- ☐ No
☐ Yes. Explain.

5. Tell the court why you are unable to pay the filing fee in installments within 120 days. If you have some additional circumstances that cause you to not be able to pay your filing fee in installments, explain them.

Part 2: Tell the Court About Your Monthly Expenses**6. Estimate your average monthly expenses.**

Include amounts paid by any government assistance that you reported on line 2. \$ _____

If you have already filled out *Schedule J, Your Expenses*, copy line 22 from that form.

7. Do these expenses cover anyone who is not included in your family as reported in line 1?☐ No☐ Yes. Identify who **8. Does anyone other than you regularly pay any of these expenses?**☐ No☐ Yes. How much do you regularly receive as contributions? \$ _____ monthly

If you have already filled out *Schedule I: Your Income*, copy the total from line 11.

9. Do you expect your average monthly expenses to increase or decrease by more than 10% during the next 6 months?☐ No☐ Yes. Explain **Part 3: Tell the Court About Your Property**

If you have already filled out *Schedule A: Real Property (Official Form B 6A)* and *Schedule B: Personal Property (Official Form B 6B)*, attach copies to this application and go to Part 4.

10. How much cash do you have?

Examples: Money you have in your wallet, in your home, and on hand when you file this application

Cash: \$ _____

11. Bank accounts and other deposits of money?

Examples: Checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, and other similar institutions. If you have more than one account with the same institution, list each. Do not include 401(k) and IRA accounts.

	<u>Institution name:</u>	<u>Amount:</u>
Checking account:	_____	\$ _____
Savings account:	_____	\$ _____
Other financial accounts:	_____	\$ _____
Other financial accounts:	_____	\$ _____

12. Your home? (if you own it outright or are purchasing it)

Examples: House, condominium, manufactured home, or mobile home

Number	Street	Current value:	\$ _____
City	State	ZIP Code	Amount you owe on mortgage and liens: \$ _____

13. Other real estate?

Number	Street	Current value:	\$ _____
City	State	ZIP Code	Amount you owe on mortgage and liens: \$ _____

14. The vehicles you own?

Examples: Cars, vans, trucks, sports utility vehicles, motorcycles, tractors, boats

Make:	_____	Current value:	\$ _____
Model:	_____	Amount you owe on liens:	\$ _____
Year:	_____		
Mileage	_____		
Make:	_____	Current value:	\$ _____
Model:	_____	Amount you owe on liens:	\$ _____
Year:	_____		
Mileage	_____		

15. Other assets?**Describe the other assets:**

Do not include household items and clothing.

Current value: \$ _____

Amount you owe on liens: \$ _____

16. Money or property due you?**Who owes you the money or property?****How much is owed?**

Do you believe you will likely receive payment in the next 180 days?

Examples: Tax refunds, past due or lump sum alimony, spousal support, child support, maintenance, divorce or property settlements, Social Security benefits, Workers' compensation, personal injury recovery

\$ _____

\$ _____

☐ No☐ Yes. Explain:**Part 4: Answer These Additional Questions****17. Have you paid anyone for services for this case, including filling out this application, the bankruptcy filing package, or the schedules?**☐ No☐ Yes. **Whom did you pay?** Check all that apply:☐ An attorney☐ A bankruptcy petition preparer, paralegal, or typing service☐ Someone else _____**How much did you pay?**

\$ _____

18. Have you promised to pay or do you expect to pay someone for services for your bankruptcy case?☐ No☐ Yes. **Whom do you expect to pay?** Check all that apply:☐ An attorney☐ A bankruptcy petition preparer, paralegal, or typing service☐ Someone else _____**How much do you expect to pay?**

\$ _____

19. Has anyone paid someone on your behalf for services for this case?☐ No☐ Yes. **Who was paid on your behalf?** Check all that apply:☐ An attorney☐ A bankruptcy petition preparer, paralegal, or typing service☐ Someone else _____**Who paid?**

Check all that apply:

☐ Parent☐ Brother or sister☐ Friend☐ Pastor or clergy☐ Someone else _____**How much did someone else pay?**

\$ _____

20. Have you filed for bankruptcy within the last 8 years?☐ No☐ Yes. District _____ When _____ Case number _____
MM/ DD/ YYYYDistrict _____ When _____ Case number _____
MM/ DD/ YYYYDistrict _____ When _____ Case number _____
MM/ DD/ YYYY**Part 5: Sign Below****By signing here under penalty of perjury, I declare that I cannot afford to pay the filing fee either in full or in installments. I also declare that the information I provided in this application is true and correct.**

X _____ X _____

Signature of Debtor 1

Signature of Debtor 2

Date _____
MM / DD / YYYYDate _____
MM / DD / YYYY

Fill in this information to identify the case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(If known)

Order on the Application to Have the Chapter 7 Filing Fee Waived

After considering the debtor's *Application to Have the Chapter 7 Filing Fee Waived* (Official Form B 3B), the court orders that the application is:

☐ **Granted.** However, the court may order the debtor to pay the fee in the future if developments in administering the bankruptcy case show that the waiver was unwarranted.

☐ **Denied.** The debtor must pay the \$335 filing fee according to the following terms:

<u>You must pay...</u>	<u>On or before this date...</u>
\$ _____	_____/_____/_____ Month / day / year
\$ _____	_____/_____/_____ Month / day / year
\$ _____	_____/_____/_____ Month / day / year
+ \$ _____	_____/_____/_____ Month / day / year
Total	<div></div>

If the debtor would like to propose a different payment timetable, the debtor must file a motion promptly with a payment proposal. The debtor may use *Application for Individuals to Pay the Filing Fee in Installments* (Official Form B 3A) for this purpose. The court will consider it.

The debtor must pay the entire filing fee before making any more payments or transferring any more property to an attorney, bankruptcy petition preparer, or anyone else in connection with the bankruptcy case. The debtor must also pay the entire filing fee to receive a discharge. If the debtor does not make any payment when it is due, the bankruptcy case may be dismissed and the debtor's rights in future bankruptcy cases may be affected.

☐ **Scheduled for hearing.**

A hearing to consider the debtor's application will be held

on _____ at _____ AM / PM at _____.
Month / day / year Address of courthouse

If the debtor does not appear at this hearing, the court may deny the application.

Month / day / year

By the court: _____
United States Bankruptcy Judge